

REMARKS

Claims 1,2, 4 and 27-29 are pending in this application. Independent claim 1 has been amended. No claims have been canceled or added. Thus, claims 1, 2, 4 and 27-29 remain subject to examination.

Applicant gratefully acknowledges the withdrawal of various prior rejections as set forth at paragraphs 1-3 of the present Office Action.

Anticipation Rejections

In the Office Action claims 1, 2, 28 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,784,998 to Jones Sr.. Continued rejection on this basis is respectfully traversed and reconsideration is requested at this time. Each of the claims has been amended to recite that the six contiguous perimeter edges cooperatively define an edge boundary extending in substantially continuous unbroken relation around the interior portion. As best understood, such an arrangement is not present in the structure of Jones Sr.. To the contrary, Jones Sr. relies on a segmented petal-forming perimeter wherein an arrangement of slits extends into the interior.

An anticipation rejection requires that every element be disclosed in a single prior art reference. Even if the edge boundary segments of the applicator elements in Jones Sr. touch, they certainly do not define a hexagonal edge boundary which extends in substantially continuous unbroken relation around the interior. Accordingly, in view of the absence of this feature in Jones Sr. it is respectfully submitted that the anticipation rejection of claim 1 (or any claim depending therefrom) should be withdrawn at this time

OBVIOUSNESS:

Claims 1, 2, 4, 27 and 28 stand rejected under 35 U.S.C. 103(a) as being obvious over US Patent 6,189,189 to Morin et al.. Continued rejection on this basis is respectfully traversed and reconsideration is requested at this time.

As understood, the rejection is grounded on the fact that Morin et al. states that the low particulate wiper may be of any geometric shape. The Office Action also relies upon the general rule that new shapes generally carry no patentable weight absent a previously unrecognized substantive benefit associated with the new shape.

In order to support an obviousness rejection the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the required alteration. Moreover, the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention.

It is respectfully submitted that the Office Action's reliance on the generalized statement in Morin that any geometric shape may be used, represents the application of an impermissible "obvious to try" standard. As explained at MPEP §2145, the admonition that "obvious to try" is not an appropriate standard has been directed to cases wherein the proposition is that it would have been obvious to try numerous possible choices with no guidance from the art until arriving at the claimed invention. This appears to be precisely the situation in the present case. In particular, Morin leaves open the possibility of using any geometry thereby providing an infinite set of choices without providing any guidance as to the fact that geometry may be important let alone any guidance as to how to select an appropriate geometry.

The Office Action takes the position that one of skill in the art would have recognized the gained advantages of a hexagonal shape since one of ordinary skill could use known general geometry formulas to compare surface areas to edge perimeters. Applicants respectfully point out that this position is contradicted by Morin itself which states that the wipers are preferably square. Certainly the inventors in Morin must be considered to have at least ordinary skill in the art. Thus, the statement in Morin that square wipers are preferred reflects the fact that the potential benefits of non-square geometries were unrecognized. Thus, there would have been no motivation for engaging in the analysis proposed by the Office Action. Moreover, moving away from a square geometry represents a departure from the apparent accepted wisdom that square

geometries are preferred. Such a departure from accepted wisdom is evidence of nonobviousness.

Finally, as regards the position taken in the Office Action that the wiper of the present invention provides no significant attributes due to its shape that would have been unforeseen to one of skill in the art, Applicant must respectfully disagree. As indicated at page 8, lines 3-5, Applicant has identified the fact that a wiper of hexagonal cloth 20 often contains less contaminant than a comparably sized square or rectangular cloth. Moreover, as recognized at page 9, lines 3-5, the wiper of the present invention may have a smaller overall area than a square or rectangular wiper while providing the same amount of useable area.

The MPEP requires that the prior art considered as a whole must suggest the desirability and hence the obviousness of the proposed modification. In the present instance, it is respectfully submitted that the prior art relied upon does not provide the requisite motivation to engage in the modification proposed by the Office Action. To the contrary, the teachings in Morin et al. clearly promote using a standard square configuration thereby evidencing a lack of appreciation for benefits associated with the present invention.

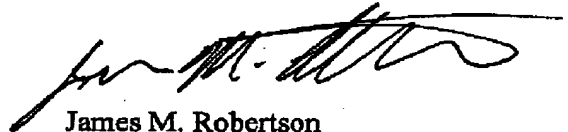
In light of the apparent mindset prior to the present invention that square geometries were most desirable, it is respectfully submitted that the present invention may be reached only by application of impermissible hindsight reconstruction using the teachings of the present application as a guide. Therefore, it is requested that all outstanding rejections be reconsidered and withdrawn at this time.

CONCLUSION:

For the reasons set forth above, it is respectfully submitted that all claims stand in condition for allowance. In the event that any issue remains unresolved, the Examiner is encouraged to contact the undersigned attorney in the hope that such issue may be resolved in an expedient and satisfactory manner.

A petition for a one (1) month extension of time is provided herewith. To any extent that an additional extension is required, a petition for such an extension is hereby made and authorization is provided to deduct any fee necessary for the acceptance of this paper from Deposit Account 50-1424.

Respectfully submitted,



James M. Robertson
Reg. No. 36,905

864-583-0030 (phone)
864-583-0002 (fax)